

Message Text

UNCLASSIFIED

PAGE 01 GENEVA 01004 141750Z

16

ACTION IO-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15 EB-07 AID-05

/062 W

----- 038053

R 141700Z FEB 75

FM USMISSION GENEVA

TO SECSTATE WASHDC 719

USMISSION USUN NEW YORK

INFO USIA WASHDC

UNCLAS GENEVA 1004

E.O. 11652: NA

TAGS: ECOSOC, SHUM

WE ARE TRANSMITTING FOR YOUR INFORMATION AND POSSIBLE
RELEASE TO THE PRESS THE TEXT OF A STATEMENT MADE BEFORE
THE U.N. COMMISSION ON HUMAN RIGHTS BY U.S. REPRESENTATIVE
PHILIP E. HOFFMAN. (BEGIN TEXT)

STATEMENT BY U.S. REPRESENTATIVE PHILIP E. HOFFMAN
BEFORE THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS
IN GENERAL DEBATE ON PROCEDURES FOR DEALING WITH
GROSS VIOLATIONS OF HUMAN RIGHTS

MR. CHAIRMAN, MY DELEGATION HAS BEEN AMONG THOSE
THAT FAVORED A PRELIMINARY GENERAL DISCUSSION TO BE
HELD IN PUBLIC SESSION WITH RESPECT TO THE PROCEDURES
WHICH HAVE BEEN PROVIDED IN ECONOMIC AND SOCIAL COUNCIL
RESOLUTION 1503. WE THINK SUCH A GENERAL DISCUSSION
ABOUT THESE PROCEDURES, OMITTING OF COURSE ANY REFERENCE
TO THE PARTICULAR CASES TO BE CONSIDERED, CAN BE USEFUL
IN PROMOTING AN UNDERSTANDING IN THE COMMISSION AS A WHILE
ABOUT THE WAY IN WHICH WE SHOULD PROCEED TO IMPLEMENT THEM.

MY DELEGATION BELIEVES THAT THE EXECUTIVE SESSIONS
WE ARE ABOUT TO EMBARK UPON MAY WELL CONSTITUTE A LANDMARK
IN THE HISTORY OF THE HUMAN RIGHTS COMMISSION.

PERHAPS THE GREATEST DIFFICULTY WHICH THE HUMAN
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GENEVA 01004 141750Z

RIGHTS COMMISSION LABORS UNDER IN ITS DELICATE AND

DIFFICULT TASK IS THE PROPENSITY OF SOVEREIGN NATIONS TO BE FULLY-IF NOT FURIOUSLY-AWARE OF THE SHORT-COMINGS OF OTHER COUNTRIES RELATING TO HUMAN RIGHTS-BUT TO REMAIN BLITHELY UNCONSCIOUS OF THEIR OWN DELINQUENCIES. THERE SEEMS TO BE AN OVERWHELMING TENDENCY BY MOST GOVERNMENTS TO EXPRESS CONCERN ONLY WHEN HUMAN RIGHTS VIOLATIONS OCCUR ELSEWHERE - AND TO INVOKE "DOMESTIC JURISDICTION" AS A BARRIER TO EXAMINATION OF VIOLATIONS WITHIN THEIR OWN BOUNDARIES.

UNDER THE PROCEDURES LAID DOWN IN ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII) NATION STATES WILL NOW HAVE THE OPPORTUNITY TO CAST THEIR GAZE INWARDS- TO RECOGNIZE SUCH HUMAN RIGHTS VIOLATIONS AS OCCUR ON A GROSS AND CONSISTENT BASIS WITHIN THEIR OWN BOUNDARIES- AND TO ASCERTAIN THE DEGREE OF INTERNATIONAL CONCERN WITH REGARD TO THOSE MATTERS.

AND THIS INTERNATIONAL CONCERN IS JUSTIFIED. IT IS JUSTIFIED IF THE EXISTENCE OF THE HUMAN RIGHTS COMMISSION IS JUSTIFIED - OR THEAT OF THE UNITED NATIONS ITSELF. CLAIMS THAT ABASEMENT OF MAN, THE CRUELITIES OR OPPRESSIONS INFLICTED UPON HIM, ARE MATTERS FOR INTERNAL CONCERN ONLY ARE NOT APPROPRIATE ON THE PART OF NATIONS SUBSCRIBING TO THE UNITED NATIONS CHARTER. AND THIS APPLIES TO OPPRESSIONS RANGING FROM UNJUSTIFIED IMPRISONMENT, TORTURE, AND RESTRICTIONS ON FREEDOM OF SPEECH, OF MOVEMENT, OF IDEAS, ALL THE WAY UP TO THAT MOST EGREGIOUS OF ALL VIOLATIONS - APARTHEID. WHAT IS THE PURPOSE OF THE HUMAN RIGHTS COMMISSION IF THIS IS NOT THE CASE?

UNDER THE 1503 PROCEDURES WE DO NOT SIT AS A COURT TO PASS JUDGMENTS ON GOVERNMENTS OR TO APPORTION BLAME. OUR ROLE IS TO FIND THE BEST WAY TO HELP PROMOTE AND PROTECT HUMAN RIGHTS. WE HOPE THAT THE ATTITUDE BETWEEN THIS COMMISSION AND THE GOVERNMENTS INVOLVED IN THE SEPARATE CASES WHICH WILL BE BEFORE US WILL BE ONE OF COOPERATIVE UNDERSTANDING, WITH A SHARED CONCERN FOR THE GOOD OF THE HUMAN BEINGS INVOLVED, MOTIVATED BY A COMMON DESIRE TO FIND A WAY TO IMPROVE SITUATIONS WITH RESPECT TO WHICH THE EVIDENCE APPEARS TO REVEAL "A CONSISTENT PATTERN OF GROSS AND RELIABLY ATTESTED VIOLATIONS OF HUMAN RIGHTS."

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 GENEVA 01004 141750Z

MR. CHAIRMAN, TO INDICATE MY GOVERNMENT'S DETERMINATION TO SUPPORT THESE PROCEDURES WE HAVE DECIDED ON THE FOLLOWING GENERAL POLICY. WHEN THE SUBCOMMISSION REFERS A SITUATION TO THE HUMAN RIGHTS COMMISSION AS REVEALING A CONSISTENT PATTERN OF GROSS AND RELIABLY ATTESTED VIOLATIONS OF HUMAN RIGHTS REQUIRED CONSIDERATION BY THE COMMISSION UNDER ECONCOC RESOLUTION 1503 AND WHEN THE SITUATION IS REASONABLY SUPPORTED BY THE RECORD BEFORE THE SUBCOMMISSION

AND IS OF CONTINUING AND CURRENT CONCERN, THE UNITED STATES WILL SUPPORT A THOROUGH STUDY. THE UNITED STATES SUPPORT OF A STUDY DOES NOT IMPLY A PREJUDGMENT ON THE MERITS BY THE UNITED STATES.

LAST YEAR WE FOUND OURSELVES-WHEN WE SET OUT TO IMPLEMENT 1503 - BESET BY TACTICS WHICH DELAYED - IN MANY CASES I BELIEVE INTENTIONALLY, OUR PROCEEDINGS TO THE POINT WHERE TIME RAN OUT ON US. WE HAD NO CHANCE TO EXAMINE ANY INDIVIDUAL CASES. THE THRUST OF THESE TACTICS WAS TO SEEK TO REFINE, CLARIFY AND AMEND THE PROCEDURES HERE IN QUESTION BEFORE WE BEGAN TO IMPLEMENT THEM.

MR. CHAIRMAN, THIS COULD BE AN ENDLESS PROCESS. NO RULES, NO REGULATIONS CAN EVER BECOME COMPLETELY SATISFACTORY TO ALL MANKIND. ONE OF THE MOST EFFECTIVE INSTRUMENTS OF GOVERNMENT THAT I KNOW OF, THE CONSTITUTION OF THE UNITED STATES, NOW ALMOST TWO HUNDRED YEARS OLD, STILL NEEDS AMENDMENT FROM TIME TO TIME- AND RECEIVES CONSTANT INTERPRETATION BY OUR SUPREME COURT.

MR. CHAIRMAN, THE ONLY WAY TO REFINE AND IMPROVE OUR 1503 PROCEDURES -OR FOR THAT MATTER ANY OTHER PROCEDURES - IS BY USING THEM. THEN OUT OF THE FIRES OF EXPERIENCE WILL COME PURIFICATION ACCOMPANIED BY INCREASING EFFECTIVENESS.

AND SO MR. CHAIRMAN MY DELEGATION TRUSTS THAT WE WILL GO INTO THE FORTHCOMING EXECUTIVE SESSION PREPARED TO DEAL WITH ALL DELIBERATE SPEED WITH THE INDIVIDUAL CASES THAT HAVE SO PAINSTAKINGLY BEEN PLACED BEFORE US BY OUR SUBCOMMISSION AND OUR WORKING GROUP - WHOSE LABORS DESERVE OUR MAXIMUM APPRECIATION. WE MUST DO THIS OBJECTIVELY AND WITHOUT REGARD TO POLITICAL OR OUTSIDE CONSIDERATIONS.

MR. CHAIRMAN, I RECENTLY READ AN ARTICLE WRITTEN BY A STAUNCH SUPPORTER - MIND YOU A SUPPORTER - OF THE UNCLASSIFIED

UNCLASSIFIED

PAGE 04 GENEVA 01004 141750Z

UNITED NATIONS THAT STATED THAT THE MOST UNIVERSAL THING ABOUT THE UNIVERSAL DECLARATION OF HUMAN RIGHTS WAS THE UNIVERSAL YAWN IT PRODUCED. A SHOCKING STATEMENT. BUT EVEN MORE SHOCKING BECAUSE OF THE DEGREE TO WHICH IT MAY BE TRUE. MANY PEOPLE ALL OVER THE WORLD THINK THAT THE GLITTERING PRINCIPLES OF THE DECLARATION ARE JUST NOT ENFORCED-JUST NOT IMPLEMENTED- AND THEREFORE ARE DOOMED TO DIE ON THE VINE.

THE 1503 PROCEDURES ARE THE MAJOR DEVICE WE CURRENTLY HAVE AT HAND TO RECTIFY THIS SITUATION - TO RESTORE FAITH IN THE HUMAN RIGHTS COMMISSION - AND TO PROMOTE THE RIGHTS AND DIGNITY OF MANKIND.

I THRUST, MR. CHAIRMAN, THAT WE SHALL HAVE THIS IN MIND WHEN WE APPROACH OUR PROBLEMS IN OUR EXECUTIVE SESSIONS. END TEXT.DALE

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, MEETING DELEGATIONS, SPEECHES
Control Number: n/a
Copy: SINGLE
Draft Date: 14 FEB 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975GENEVA01004
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750055-0783
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750243/aaaablyr.tel
Line Count: 169
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION IO
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 05 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <05 MAY 2003 by RuthemTJ>; APPROVED <31 DEC 2003 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CRIBING TO THE UNITED NATIONS CHARTER. AND THIS APPLIES TO OPPRESSIONS RANGING FROM UNJUSTIFIED IMPRISONMENT
TAGS: SHUM, US, ECOSOC, (HOFFMAN, PHILIP E)
To: STATE USUN NEW YORK
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006